

C.T. 15/1

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)

WRIT PETITION No. 2650 /2005

PETITIONER
Defendants

1. M/s Samleshwari Mini Rice Mill
Proprietor Smt. Harjis W/o
Ramchandra Dulani,
2. Smt. Harjis W/o Ramchandra
Dulani, Proprietor
M/s Samleshwari Mini Rice Mill
3. Ramchandra Dulani,
S/o Pohumal Dulani
4. Pohumal Dulani S/o Reka Chand
Dulani

P.R. No. 2572/05
Presented by Anand Shukla
dated 13/6/05

All R/o Bhatapara Tahsil Bhatapara
Distt. Raipur (C.G.)

VERSUS

RESPONDENT
Plaintiff

State Bank of India Branch
Bhatapara, Distt. Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मासला क्रमांक

WP 2650/05

सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	27.6.2005 Mr. Parag Kotecha, counsel for the petitioner. By this writ petition under Article 227 of the Constitution of India the petitioner has challenged the legality & propriety of order dated 11.5.2005 passed by learned 2nd Additional District Judge, Baloda Bazar whereby learned Additional District Judge rejected the applications filed by the petitioner herein under Order 21 Rule 59 read with Section 151 of the C.P.C. and Order 20 Rule 11 read with Section 151 of the C.P.C. I have heard learned counsel for the petitioner and perused the impugned order. Perusal of impugned order shows that the petitioner took a loan from the respondent bank, as the petitioner was not able to repay the said loan, therefore, the respondent bank filed a civil suit for recovery of loan amount and ultimately, that suit was decreed against the petitioner herein. Learned counsel for the petitioner submitted that against the said order first appeal has been filed on behalf of the petitioner and in that matter M.C.C. for allowing the petitioner herein to continue the said appeal as an indigent person is pending before this Court. Meanwhile, execution proceedings have been filed by respondent bank and in that proceeding above applications were filed by the petitioner. Learned trial court has observed in the impugned order that the petitioner herein also filed the application before filing of the above applications for paying the decretal amount in installments,	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक

सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
92/-	in that application petitioner was granted concession for paying decretal amount in installments but the petitioner failed to deposit the installments and as such the mortgaged property has been put to auction. It has further been mentioned in the order that the petitioner herein has filed these applications for causing delay in the execution proceedings. It has also been mentioned that if any dispute regarding adjustment of the amount paid by the petitioner herein is concerned, that can be taken into consideration after the auction of the property. Having perused the impugned order and after hearing learned counsel for the petitioner, I am of the opinion that the petitioner has not been able to make out a case for interference by this Court in the matter by invoking extra ordinary jurisdiction under Article 227 of the Constitution of India, as the petitioner has not been able to point out that any material irregularity has been committed by the trial court in passing the impugned order. Therefore, I am of opinion that there is no substance in this petition, same is liable to be dismissed and it is accordingly dismissed at the admission stage itself. Consequently, M.(W.)P. No.2180/05 and I.A.No.5278/05 also stand dismissed.	-2- Sd/- L.C.Bhadoo Judge

92/-

20.5.05